

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET											
CR No: 20-639 JB				USA vs.: Black							
Date: 7/17/20				Name of Deft: Johnny C. Black							
Before the Honorable: James O. Browning											
Time In/Out:		9:30 am-11 am 11:19am-11:58am			Total Time in Court (for JS10):			2 hours; 9 Minutes			
Clerk:		J. Wright			Court Reporter:			J. Bean			
AUSA:		Nicholas Marshall			Defendant's Counsel:			Margaret A Katze			
Sentencing in:		Albuquerque			Interpreter:						
Probation Officer:		Martine Lopez-Bowers			Interpreter Sworn?			<input type="checkbox"/> Yes		<input type="checkbox"/> No	
Convicted on:		<input checked="" type="checkbox"/> Plea	<input type="checkbox"/> Verdict	As to:		<input checked="" type="checkbox"/> Information	<input type="checkbox"/> Superseding Indictment				
If Plea:		<input type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	Adjudged/Found Guilty on Counts:							
If Plea Agreement:		<input checked="" type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	<input type="checkbox"/> No Plea Agreement		Comments:					
Date of Plea/Verdict:		4/8/20		PSR:		<input type="checkbox"/> Not Disputed	<input type="checkbox"/> Disputed	<input checked="" type="checkbox"/>	Courts adopts PSR Findings – see changes below		
Evidentiary Hrg:		<input checked="" type="checkbox"/> Not Needed	<input type="checkbox"/> Needed	Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP):		Count 1: 84 months Count 2: 87 months – said terms to run consecutively for a total of 171 months					
Supervised Release:		1: 3 years 2: 3 years to run concurrently for a total term of 3 years				Probation:					
REC	<input checked="" type="checkbox"/>	500-Hour Drug Program		BOP Sex Offender Program		Other:					
ICE	<input type="checkbox"/>	Court recommends ICE begin removal proceedings immediately or during service of sentence							<input type="checkbox"/> ICE not applicable		
SPECIAL CONDITIONS OF SUPERVISION											
<input type="checkbox"/> No re-entry without legal authorization				<input type="checkbox"/> Home confinement for _____ months _____ days							
<input type="checkbox"/> Comply with ICE laws and regulation				<input type="checkbox"/> Community service for _____ hours during supervised release.							
<input checked="" type="checkbox"/> Participate in/successfully complete subst abuse program/testing				<input checked="" type="checkbox"/> Reside at residential reentry center _____ months 180 _____ days							
<input type="checkbox"/> Participate in/successfully complete mental health program				<input type="checkbox"/> Register as sex offender							
<input checked="" type="checkbox"/> Refrain from use/possession of alcohol/intoxicants				<input type="checkbox"/> Participate in sex offender treatment program							
<input checked="" type="checkbox"/> Submit to search of person/property				<input type="checkbox"/> Possess no sexual material							
<input checked="" type="checkbox"/> No contact with victim(s) and/or co-defendant(s)				<input type="checkbox"/> No computer with access to online services							
<input type="checkbox"/> No entering or loitering near victim's residence				<input type="checkbox"/> No contact with children under 18 years							
<input type="checkbox"/> Provide financial information				<input type="checkbox"/> No volunteering where children supervised							
<input checked="" type="checkbox"/> Waive right of confidentiality and allow the treatment provider to release treatment records				<input type="checkbox"/> Restricted from occupation with access to children							
<input checked="" type="checkbox"/> Must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning, whether or not intended for human consumption.				<input type="checkbox"/> No loitering within 100 feet of school yards							
<input checked="" type="checkbox"/> Must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).				<input type="checkbox"/> If defendant is unemployed - Must participate in an educational or vocational services program and follow the rules and regulations of that program							
You must have no gang association Consistent with a stipulation in the Plea Agreement, the defendant forfeits his rights, title, and OTHER: interest the items outlined in paragraph 19											
Fine: \$		Not imposed			Restitution: \$		To be determined at a later date				
SPA: \$		200.00			Payment Schedule:		<input checked="" type="checkbox"/> Due Immediately		<input type="checkbox"/> Waived		
OTHER:											
<input checked="" type="checkbox"/>	Advised of Right to Appeal			<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement						

X	Held in Custody		Voluntary Surrender
	Recommended place(s) of incarceration:		
	Dismissed Counts: Government will file a motion to dismiss remaining counts		
<p>. Restitution could not be determined prior to 10 days in advance; all parties agree to postpone; a hearing will be set in 90 days</p> <p>. Probation will work with family regarding restitution and Ms. Katze will respond.</p> <p>. Defense puts on record that she had asked for names and dates of birth regarding family members and AUSA refused; AUSA states he did provide names and does not believe that identifiers need to be used under the Victim's Rights Act.</p> <p>. Court states AUSA should provide names and approximate ages and enough information so Defense has a rough idea of who is speaking</p> <p>. Defense states that the only way she received names was because the Courtroom Deputy asked for the names for security.</p> <p>. Victim's family addresses the Court</p> <p>. Defense moves for 3 level downward variance – Government does not object; Defense will file motion and provide order</p> <p>. Defense argues inaccuracies to the PreSentence Report – Paragraph 95, Court will remove the indications of a tattoo of CK. Paragraph 115 – Court also removes the CK from the report; Paragraph 150 – remarks regarding tattoo/gang affiliation are removed.</p> <p>. Court finds that the government has not established by a preponderance of evidence that the Defendant has gang affiliation.</p> <p>. Defendant allocates</p> <p>. Defense argues her Sentencing Memorandum</p> <p>. Court recesses for break at 11 am; Court resumes at 11:19 am.</p> <p>. AUSA rebuts.</p> <p>OTHER COMMENTS: .Court proceeds to sentencing</p>			